

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE of REPRESENTATIVES
House Bill No. —6195

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

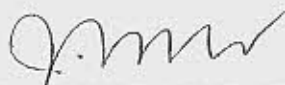
EXPLANATORY NOTE

There are millions of Overseas Filipino Workers (OFWs) all over the world which the Government is mandated to adequately protect and safeguard under Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042). However, the Government seems incapable to effectively and efficiently assist distressed OFWs whenever situations.

This bill intends to provide the necessary measures for the government to carry out its responsibilities to assist distressed OFWs in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events, and promote their general welfare.

This bill proposes amendments to RA 8042 to raise the necessary resources for the Emergency Repatriation Fund for OFWs in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events, so that OFWs can be speedily repatriated and kept out of harm's way at the soonest possible time. It also proposes to establish and maintain an up-to-date database and locator system of OFWs necessary for their repatriation, as well as the necessary disaster preparedness and mitigation measures, should misfortune happen, through the Migrant Workers and Other Overseas Filipinos Resource Centers in various Philippine embassies all over the world.

In view of the foregoing, the passage of this bill is earnestly sought.


MA. THERESA BONOAN-DAVID
4th District, City of Manila

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**AN ACT AMENDING REPUBLIC ACT NO. 8042 OTHERWISE
KNOWN AS THE MIGRANT WORKERS AND OVERSEAS
FILIPINOS ACT OF 1995**

*Be it enacted by the Senate and House of Representatives in
Congress of the Philippines assembled:*

SECTION 1. Section 15 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, is hereby amended to read as follows:.

"Sec. 15. Repatriation of Workers; Emergency Repatriation Fund. -

The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal. Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or the local agency. However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings,

The Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency.

However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by the OWWA.

For this purpose, there is hereby created and established an emergency repatriation fund under the administration, control and supervision of the OWWA, initially to consist of One hundred million pesos (P100,000,000.00), which shall be taken from the existing fund controlled and administered by the OWWA. Thereafter, such fund shall be provided for in the General Appropriations Act from year to year: Provided, That the amount appropriated shall in no case be less than One hundred million pesos (P100,000,000.00), inclusive of outstanding balances. IN ADDITION TO THE OBLIGATION TO REPATRIATE ITS WORKERS, THE RECRUITMENT AGENCY OR ITS PRINCIPAL SHALL CONTRIBUTE AN AMOUNT TO BE DETERMINED BY OWWA OF NOT LESS THAN FIFTY DOLLARS (US\$50.00) BUT NOT MORE THAN ONE HUNDRED (US\$100.00) FOR EVERY WORKER RECRUITED OR DEPLOYED OVERSEAS TO OWWA'S EMERGENCY REPATRIATION FUND."

SECTION 2. Section 19 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, is hereby amended to read as follows:

"Sec. 19. Establishment of a Migrant Workers and Other Overseas Filipinos Resource Center. - Within the premises and under the administrative jurisdiction of the Philippine Embassy in countries where there are large concentrations of Filipino migrant workers, there shall be established a Migrant Workers and Other Overseas Filipinos Resource Center with the following services:

- (a) Counseling and legal services;
- (b) Welfare, DISASTER, AND EMERGENCY assistance, including RESCUE, RELIEF, AND REHABILITATION SERVICES AS WELL AS the procurement of medical and hospitalization services;
- (c) Information, advisory and programs to promote social integration, such as post-arrival orientation, settlement and community networking services and activities for social interaction;
- (d) Institute a scheme of registration of undocumented workers to bring them within the purview of this Act. For this purpose, the Center is enjoined to compel [existing] undocumented workers to register

with it within six (6) months from the effectivity of this AMENDATORY Act OR TWO WEEKS FROM THEIR ARRIVAL IN THEIR PLACE OF WORK ABROAD, under pain of having his/her passport cancelled;

- (e) Human resource development, such as training and skills upgrading;
- (f) Gender sensitive programs and activities to assist particular needs of women migrant workers;
- (g) Orientation program for returning workers and other migrants; [and]
- (h) Monitoring of daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos[.];

(I) INFORMATION, ADVISORY, AND PROGRAMS TO ENHANCE DISASTER PREPAREDNESS AND MITIGATION MEASURES IN CASES OF WAR, EPIDEMIC, DISASTER OR CALAMITIES, NATURAL OR MANMADE, AND OTHER SIMILAR EVENTS; AND

(J) MAINTAIN AN UP-TO-DATE DATABASE AND LOCATOR SYSTEM OF MIGRANT WORKERS AND OTHER OVERSEAS FILIPINOS FOR THEIR NEEDED REPATRIATION, ESPECIALLY IN CASES OF WAR, EPIDEMIC, DISASTER OR CALAMITIES, NATURAL OR MAN-MADE, AND OTHER SIMILAR EVENTS

SECTION 3. Repealing Clause. - All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 5. Effectivity. - This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.